

Chairman Campbell, Vice-Chairman Inouye, and Members of the Committee: The Department of Justice appreciates the opportunity to submit this statement to the Committee to discuss the Justice Department's proposed Fiscal Year 2005 budget priorities for Indian Country. As the Committee is aware, and as we at the Justice Department are aware, the needs of Indian tribal governments in combating crime and violence continue to be great. As the Department stated to this Committee last year, the President and the Attorney General remain committed to addressing the most serious law enforcement problems in Indian Country, including substance abuse, domestic violence, and other violent crimes, and to ensuring that federally recognized Indian tribes are full partners in this effort.

The Justice Department's Office of Justice Programs (OJP) and Office on Violence Against Women (OVW) continue to be the Department's primary resource for funding and other assistance in Indian Country. Through OJP and its component bureaus, and OVW, the Department identifies emerging criminal and juvenile justice system issues, develops new ideas and tests promising approaches, evaluates program results, collects statistics, and disseminates these findings and other information to federal, state, and local units of government, tribal communities, and criminal justice professionals. DOJ works to prevent and control crime and help crime victims by providing funding to and assisting state and local governments, federally recognized Indian tribes, law enforcement, prosecutors, courts, corrections, and other service providers. OJP and OVW continue their specific support to federally recognized Indian tribes and Native Alaskan Villages and Corporations by providing grants to support innovative approaches to breaking the cycle of drugs, delinquency, crime and violence, and through technical assistance and training to provide tribal leaders with the knowledge and skills required to address these issues.

Many of the Committee members are aware of OJP's efforts with the Comprehensive Indian Resources for Community and Law Enforcement, or CIRCLE, Project. As was discussed with this Committee in the past, the CIRCLE Project recognizes that the most effective solutions to the problems experienced by tribal communities come from the tribes themselves. The three tribes that participate in the CIRCLE Project have each undertaken efforts to combat crime and violence. These tribes designed their own strategies, while the Department provided support through direct funding, training, and technical assistance.

With the conclusion of another fiscal year we continue to see results from the three CIRCLE Project tribes. OJP is hopeful that the lessons obtained through the CIRCLE Project will be taken as both examples and possible roadmaps for other tribes to follow as they attempt to deal with their own unique needs and requirements. The Department's National Institute of Justice (NIJ) is funding an evaluation of the CIRCLE Project, and we expect the first phase of this evaluation to be completed this year. The evaluation will provide insight on the progress and success of the strategies used by the participating tribes.

In addition to the ongoing efforts of the CIRCLE project, OJP has been instrumental in building state-tribal relations in the law enforcement and justice communities. For instance, partnering with the International Association of Chiefs of Police and its Indian Country Law Enforcement Section, OJP is sponsoring four regional meetings to enhance state-tribal relationships and highlight promising tribal-state efforts throughout the nation. Two meetings that have already occurred (the California Tribal and State Law Enforcement Summit in 2002, and the Law Enforcement and Judicial Collaboration Symposium, "Improving Safety in the Four Corners," in 2003) focused on law enforcement and judicial collaboration affecting jurisdictional

issues at arrest, prosecution, and adjudication. Efforts are currently underway to plan for two additional meetings – one in the Great Plains, and the other in the Northwest.

The Administration's continued commitment to federally recognized American Indian communities is reflected in the President's Fiscal Year 2005 request of \$49 million for tribal programs, part of the Department's overall effort to assist tribal governments in addressing criminal justice issues in Indian country. This plan will allow us to continue most of our tribal programs near Fiscal Year 2004 levels.

As the Committee is aware, many of OJP's tribal programs focus on alcohol and drug abuse, which continue to be major problems in Indian country. OJP's Bureau of Justice Assistance (BJA) has awarded grants for the Indian Alcohol and Substance Abuse Demonstration Program, an effort to improve the enforcement of alcohol and drug laws in tribal lands and provide treatment and other services to American Indian or Alaskan Native offenders with substance abuse problems. Under this initiative, recipients are focusing on law enforcement, services, or both. For Fiscal Year 2005, the President requested \$4.2 million to continue this effort.

BJA will also address the issue of drug abuse in Indian country through continued assistance to Indian communities under its Drug Courts Program, which provides funds for local drug courts that provide specialized treatment and rehabilitation for non-violent substance abusing offenders. While this is not solely a tribal program, OJP has always ensured that tribal governments were included as Drug Court grantees. We anticipate that federally recognized Indian tribes and Native Alaskan Villages and Corporations will continue to apply for drug court funding again this year and that they will be well-represented among new grantees. For Fiscal

Year 2004, the Department received \$36.5 million for the overall Drug Courts Program, and for Fiscal Year 2005 we have requested \$67.5 million.

Further, Mr. Chairman, it continues to be a sad fact that American Indian and Alaskan Native women still suffer disproportionately from domestic violence and sexual assault. Since 1994, the Department's Office on Violence Against Women (OVW) has administered the STOP Violence Against Indian Women Discretionary Grants Program, which support tribes' efforts to investigate and prosecute violent crimes against women and to strengthen services for victims of these crimes. During Fiscal Year 2003, OVW awarded grants totaling over \$6.8 million under this program. In Fiscal Year 2004, we received \$8 million for this effort. For Fiscal Year 2005, the Department has requested \$8.8 million.

For Fiscal Year 2003, OVW awarded grants totaling \$2.1 million under the Tribal Domestic Violence and Sexual Assault Grant Program. For Fiscal Year 2004, we received \$3 million for this effort, and have requested a similar amount for FY05.

For Fiscal Year 2005, the Department is requesting a total of \$19.8 million for all of our tribal Violence Against Women Act programs. This is a \$1.3 million increase over the Fiscal Year 2004 funding levels.

Similarly, OJP's Office for Victims of Crime (OVC) works with federally recognized Indian tribes to provide services for crime victims in areas that are often under-served. OVC provides direct support through its Victim Assistance in Indian Country Discretionary Grant Program. Tribal communities that receive these funds can use them for many different services, including emergency shelters, mental health counseling, and immediate crisis intervention. This program is supported through the Crime Victims Fund, which comes from federal criminal fines, forfeited bail bonds, penalty fees, and special assessments. Further, and aside from funds that

will become available through OVC's Crime Victim Fund, the Department has also allocated an additional \$1.6 million specifically to support victim assistance programs in Indian country for Fiscal Year 2005.

OVC also administers grants under the Children's Justice Act to improve the investigation, prosecution, and handling of child abuse cases in Indian country. Tribal communities nationwide have used these grants for activities such as training law enforcement and court staff on how to work with child abuse victims, and establishing protocols for handling these cases. We are requesting \$3 million for this program in Fiscal Year 2005, which maintains the current funding level.

During Fiscal Year 2004, OJP is continuing to help American Indian and Alaskan Native youth through the Tribal Youth Program, which is administered by OJP's Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Tribal Youth Program supports accountability-based sanctions, training for juvenile court judges, strengthening family bonds, substance abuse counseling, and other efforts to improve justice operations in Indian Country. Also, OJP will continue to dedicate funds to support tribal-related juvenile justice research activities. For Fiscal Year 2004, OJP received \$9.9 million for this program. For Fiscal Year 2005, the President has requested \$12.5 million to allow these efforts to continue.

In addition to focusing on specific offender or victim populations, tribes have expressed a need for overall improvement of their justice systems. Tribal justice systems have existed for hundreds of years, but lately their workload has grown markedly, while the available resources have not. OJP has worked to help ease this burden through the Tribal Courts Assistance Program, which assists federally recognized tribes in the development, enhancement, and

continuing operation of tribal judicial systems. It provides resources to help sustain safer and more peaceful tribal communities. For Fiscal Year 2005, we have requested \$5.9 million.

For fiscal year 2005, the President's budget requests \$20 million for the COPS office to address pressing needs in tribal law enforcement. These funds will be used for areas such as hiring or retaining officers, law enforcement training, basic issue equipment, emerging technologies, and police vehicles.

The COPS office, with its training partners, also has developed specialized, culturally relevant basic community policing training for agencies receiving grants from the COPS Office. To date, 149 tribal law enforcement agencies have received basic community policing training. The website address is: <http://www.tribaltraining.com>. Grantees can access training information and registration forms online.

Enhanced technology is another important tool to help federally recognized tribes enhance their law enforcement and criminal justice systems. In September 2002, OJP's Bureau of Justice Assistance (BJA) awarded \$1.5 million to the National Center for Rural Law Enforcement (NCRLE) for the first phase of the Inter-tribal Integrated Justice Pilot Project, a part of OJP's Information Technology Initiative. In 2003, additional funds were provided to implement the second phase of the project. With this funding, NCRLE created integrated networks in 11 towns within the three pilot tribes, encompassing a total of 42 criminal justice agencies. NCRLE has installed 40 servers, 200 workstations, 42 network switches, 40 wireless bridges and antennas, over 200 network cable connections, and converted over 800 existing workstations to access the new integrated networks. These new networks have allowed over 1100 tribal justice personnel to access the Internet, receive electronic mail, and access Internet-based resources for sharing justice data.

One of the many challenges that federally recognized Indian tribes and Native Alaskan Villages and Corporations face is collecting reliable data on arrests, victimizations, and other criminal justice-related issues. In 2001, OJP awarded a grant to the Justice Research and Statistics Association to create the Tribal Justice Statistics Assistance Center, which became operational late last month. The Center works with tribal justice agencies to develop and enhance their ability to generate and use criminal and civil justice statistics. It provides support specifically tailored to the tribal community requesting assistance. Among other activities, the Center offers federally recognized tribes training in the use of criminal justice data to help inform justice decision-making in Indian country.

Not only does improved data gathering help federally recognized tribes make better policy decisions, it also helps them to better share and receive information with the broader criminal justice community, as well as participate in national criminal justice data gathering efforts, such as the National Incident Based Reporting System (NIBRS), the Uniform Crime Reporting (UCR) program, and other data collections related to corrections, criminal victimization, court processing, and juvenile justice. In addition, the Center provides for tribal participation and access to national law enforcement data systems, such as the National Criminal Information Center (NCIC) and the National Protection Order File. Last year, the Center helped initiate the New Mexico Crime Data Project, a groundbreaking effort to enable tribal and state law enforcement to share electronic data related to DWI offenses.

For Fiscal Year 2004, we targeted \$1.2 million in Bureau of Justice Statistics (BJS) funds for the Tribal Justice Statistics Assistance Center and other tribal-related statistics activities. For Fiscal Year 2005, we plan to dedicate a similar amount.

OJP's National Institute of Justice (NIJ) continues to provide assistance by engaging in a number of research efforts to better understand criminal and juvenile justice problems in Indian country and the many challenges tribal justice agencies face. This research is critical to helping us understand what approaches and techniques will best serve tribal governments as they work to improve conditions within their communities. In the past this research has produced valuable resources such as, *Policing on American Indian Reservations*, which was developed through a grant to the John F. Kennedy School of Government at Harvard University.

Mr. Chairman, so far I have outlined some of our broader efforts to work with federally recognized Indian tribes and Native Alaskan Villages and Corporations, but there is also a need for day-to-day assistance. In September 2000, with OJP support, the National Tribal Justice Resource Center opened its doors. Located in Boulder, Colorado, the Resource Center is operated by the National American Indian Court Judges Association and provides tribal justice systems with assistance that is comparable to that available to federal and state court systems. The Resource Center offers on-site training and technical assistance, a calendar of seminars and conferences, and a free searchable database of tribal court opinions. It also features a justice system mentoring project,[@] which partners a developing tribal court with a more experienced one. The Resource Center makes information available through a toll-free number (1-877/976-8572) and a comprehensive searchable Web site (www.tribalresourcecenter.org). OJP plans to continue our support of this project in Fiscal Year 2005.

In addition to the grant programs administered by the Department of Justice, we also strive to fulfill our statutory and trust responsibilities to Indian Country through the provision of direct services. These services are not generally represented in a specific Indian country line item, but are included in the general litigation activities of the Department.

For example, the Office of Tribal Justice (OTJ) provides a single point of contact within the Justice Department for meeting the broad and complex federal responsibilities to federally recognized Indian tribes. Currently, all of the OTJ professional staff are tribal members, many of whom have lived and worked in Indian Country. As the Department's primary liaison with tribal governments, OTJ staff travel to Indian reservations and communities and serve as a point of coordination, repository of both legal and practical knowledge, and information about Indian country for the Department.

Finally, one of the most important duties of the Department is the prosecution of federal crimes in Indian country. The Major Crimes Act (18 U.S.C. § 1153) and other statutes create federal criminal jurisdiction over most felonies committed on tribal lands in over 20 federal judicial districts. There are over 550 federally recognized Indian tribes in the United States who, together, control about 56 million acres of land and have a tribal membership population of about 2 million people. Moreover, as this Committee is well aware, American Indians suffer the highest rates of violent crime victimization in the United States. Federal felony criminal jurisdiction in Indian country is usually exclusive; this is because tribal court jurisdiction is limited to misdemeanors (25 U.S.C. § 1302(7)) and in most districts, state jurisdiction arises only in certain limited circumstances.

Responsibility for prosecuting federal cases in Indian country falls on the U.S. Attorney's Offices. The U.S. Attorneys work with through local task forces to address the needs of Indian country law enforcement on pressing issues such as gang violence, drug and gun crimes. In Fiscal Year 2003, the U.S. Attorney's offices filed 679 cases pertaining to violent crime in Indian country. These offenses included homicides, rapes, aggravated assaults, and child sexual

abuse. Prosecuting crimes in Indian country is estimated to cost \$19 million and 145 work years during the 2004 and 2005 fiscal years.

The Attorney General's Advisory Committee - Native American Issues Subcommittee (NAIS), consists of 26 United States Attorneys who have significant amounts of Indian country in their respective districts. The NAIS as a group is also actively working to ensure that the law enforcement needs of Indian country are met. In May 2002, the NAIS set forth its current priorities which are: 1) terrorism (including international border issues and protection of critical infrastructure), 2) violent crime (including drugs, guns, domestic violence, child abuse, and sexual abuse), 3) crime involving gaming and other tribal enterprises, 4) white collar crime, and 5) resolution of jurisdictional disputes. Since setting these priorities, the NAIS met in February of 2003 to address terrorism and homeland security issues; in May of 2003 to deal with problems related to gang, drug and gun crime in Indian country; and in September of 2003 to discuss the integrity of Indian gaming. The topic for the next meeting, scheduled for this spring, is enhancing the quality of law enforcement in Indian country and clarifying and simplifying criminal jurisdiction.

Mr. Chairman, Attorney General Ashcroft has pledged to honor our Federal trust responsibility and to work with sovereign Indian Nations on a government-to-government basis. The Attorney General and the entire Justice Department will honor this commitment and continue to assist tribal justice systems in their effort to promote safe communities. We also recognize that the most effective solutions to the problems facing tribes come from the tribes themselves, and that our role is to help them develop and implement their own law enforcement and criminal justice strategies. We are confident that our current activities and our Fiscal Year 2005 proposed budget reflect these priorities. This concludes my statement Mr. Chairman. I

would welcome the opportunity to answer any questions you or Members of the Committee may have.